

**U.S. District Court
Southern District of Georgia (Brunswick)
CIVIL DOCKET FOR CASE #: 2:24-cv-00103-JRH-CLR**

State of Missouri et al v. United States Department of Education et al
Assigned to: District Judge J. Randal Hall
Referred to: Magistrate Judge Christopher L. Ray
Cause: 05:702 Administrative Procedure Act

Date Filed: 09/03/2024
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Missouri

represented by **G. Todd Carter**
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Plaintiff

State of Georgia
TERMINATED: 10/02/2024

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Plaintiff

State of Alabama

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Plaintiff

State of Arkansas

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Plaintiff

State of Florida

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Plaintiff

State of North Dakota

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Plaintiff

State of Ohio

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V.

Intervenor

Erwin Rosenberg

represented by **Erwin Rosenberg**
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PRO SE

V.

Defendant

United States Department of Education

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Defendant**Miguel A. Cardona**

*in his official capacity as Secretary, United
 States Department of Education*

represented by **Simon Gregory Jerome**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Shannon Heath Statkus**

(See above for address)

ATTORNEY TO BE NOTICED**Stephen Michael Pezzi**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****President Joseph R. Biden, Jr.**

*in his official capacity as President of the
 United States*

represented by **Simon Gregory Jerome**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Shannon Heath Statkus**

(See above for address)

ATTORNEY TO BE NOTICED**Stephen Michael Pezzi**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/03/2024	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against All Defendants, filed by State of Missouri, State of Georgia, State of Alabama, State of Arkansas, State of Florida, State of North Dakota, State of Ohio. Filing Fee paid, \$405.00, Receipt # AGASDC-3893723. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Civil Cover Sheet) (gmh) (Attachment 4 replaced on 9/17/2024) (kjm). (Attachment 6 replaced on 9/17/2024) (kjm). (Entered: 09/03/2024)
09/03/2024	<u>2</u>	Summonses Issued as to Joseph R. Biden, Jr., Miguel Cardona, U.S. Department of Education, U.S. Attorney and U.S. Attorney General. (gmh) (Entered: 09/03/2024)
09/03/2024	<u>3</u>	RULE 26(f) ORDER. Signed by Magistrate Judge Benjamin W. Cheesbro on 9/3/2024. (gmh) (Entered: 09/03/2024)

09/03/2024	<u>14</u>	MOTION for Leave to File Excess Pages by State of Georgia. Responses due by 9/17/2024. (Attachments: # <u>1</u> Text of Proposed Order)(Carter, G.) (Entered: 09/03/2024)
09/03/2024	<u>15</u>	MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order re <u>1</u> Complaint by State of Georgia. Responses due by 9/17/2024. (Carter, G.) Modified on 9/4/2024 (kjm). (Entered: 09/03/2024)
09/03/2024	<u>16</u>	MOTION to Seal <i>Exhibits D and F</i> by State of Georgia. Responses due by 9/17/2024. (Attachments: # <u>1</u> Text of Proposed Order)(Carter, G.) (Entered: 09/03/2024)
09/03/2024	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Reed Dempsey</i>) Receipt Number AGASDC-3894257, Fee Amount \$200, by State of Georgia. Responses due by 9/17/2024. (Carter, G.) (Entered: 09/03/2024)
09/03/2024	<u>18</u>	NOTICE of Filing Deficiency re <u>1</u> Complaint. Counsel are not entered in the case by pro hac vice admission. After 14 days of noncompliance, a notice will be submitted to a judicial officer for possible sanctions, to include dismissal. Compliance due by 9/17/2024. (Attachments: # <u>1</u> Pro Hac Vice form) (gmh) (Entered: 09/03/2024)
09/03/2024	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Joshua Divine</i>) Receipt Number AGASDC-3894264, Fee Amount \$200, by State of Georgia. Responses due by 9/17/2024. (Carter, G.) (Entered: 09/03/2024)
09/03/2024	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Stephen Petrany</i>) Receipt Number AGASDC-3894268, Fee Amount \$200, by State of Georgia. Responses due by 9/17/2024. (Carter, G.) (Entered: 09/03/2024)
09/03/2024	<u>1</u>	MOTIONS REFERRED: <u>6</u> MOTION to Seal <i>Exhibits D and F</i> , <u>5</u> MOTION to Stay re <u>1</u> Complaint,, MOTION for Preliminary Injunction MOTION for Temporary Restraining Order (thb) (Entered: 09/03/2024)
09/03/2024	<u>1</u>	MOTIONS REFERRED: <u>9</u> MOTION for Leave to Appear Pro Hac Vice (<i>Joshua Divine</i>) Receipt Number AGASDC-3894264, Fee Amount \$200,, <u>10</u> MOTION for Leave to Appear Pro Hac Vice (<i>Stephen Petrany</i>) Receipt Number AGASDC-3894268, Fee Amount \$200,, <u>7</u> MOTION for Leave to Appear Pro Hac Vice (<i>Reed Dempsey</i>) Receipt Number AGASDC-3894257, Fee Amount \$200, (thb) (Entered: 09/03/2024)
09/03/2024	<u>11</u>	NOTICE/MOTION for Hearing by State of Georgia re <u>5</u> MOTION to Stay re <u>1</u> Complaint,, MOTION for Preliminary Injunction MOTION for Temporary Restraining Order (<i>NOTICE REQUESTING HEARING ON MOTION FOR TEMPORARY RESTRAINING ORDER</i>) (Carter, G.) Modified on 9/4/2024 (thb). (Entered: 09/03/2024)
09/03/2024	<u>12</u>	ORDER OF RECUSAL. Judge Lisa G. Wood recused. Case reassigned to Chief District Judge R. Stan Baker for all further proceedings. Signed by Judge Lisa G. Wood on 9/3/2024. (csr) (Entered: 09/03/2024)
09/04/2024	<u>1</u>	MOTIONS REFERRED: <u>4</u> MOTION for Leave to File Excess Pages (thb) (Entered: 09/04/2024)
09/04/2024	<u>13</u>	NOTICE of Appearance by Simon Gregory Jerome on behalf of All Defendants (Jerome, Simon) (Entered: 09/04/2024)
09/04/2024	<u>14</u>	Notice of Standing Order regarding cases pending before Chief Judge R. Stan Baker. (Click Here to View). (gmh) (Entered: 09/04/2024)
09/04/2024	<u>15</u>	ORDER REASSIGNING CASE. Case reassigned to District Judge J. Randal Hall for all further proceedings. Chief District Judge R. Stan Baker no longer assigned to case. Signed by Chief District Judge R. Stan Baker on 09/04/2024. (jlh) (Entered: 09/04/2024)

09/04/2024	<u>I</u>	Motions No Longer Referred: <u>4</u> MOTION for Leave to File Excess Pages. (thb) (Entered: 09/04/2024)
09/05/2024	<u>I 16</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Philip Axt</i>) Receipt Number AGASDC-3895445, Fee Amount \$200, by State of Georgia. Responses due by 9/19/2024. (Carter, G.) (Entered: 09/05/2024)
09/05/2024	<u>I 17</u>	ORDER granting <u>4</u> Plaintiffs' Motion for Leave to File Excess Pages; granting <u>5</u> Plaintiffs' Motion for TRO. This Order shall be EFFECTIVE IMMEDIATELY and will remain in effect for FOURTEEN DAYS, unless extended by Order of this Court. A hearing on this matter is scheduled for Wednesday, September 18, 2024, at 10:00 a.m. Defendants shall file any response to Plaintiffs' motion by 5:00 p.m. on Tuesday, September 10, 2024, and Plaintiffs shall file any reply by 5:00 p.m. on Friday, September 13, 2024. Signed by District Judge J. Randal Hall on 9/5/2024. (gmh) (Entered: 09/05/2024)
09/05/2024	<u>I 18</u>	NOTICE of Hearing on Motion via videoconference re <u>5</u> MOTION for Temporary Restraining Order: Motion Hearing set for 9/18/2024 10:00 AM in AUG-DistVTC before District Judge J. Randal Hall. (gmh) (Entered: 09/05/2024)
09/05/2024	<u>I</u>	Set/Reset Deadlines as to <u>5</u> Motion for TRO: Defendants' Response due by 5:00 p.m., 9/10/2024. (gmh) (Entered: 09/05/2024)
09/05/2024	<u>I 19</u>	MOTION for Leave to Appear Pro Hac Vice (<i>T. Elliot Gaiser</i>) Receipt Number AGASDC-3895467, Fee Amount \$200, by State of Georgia. Responses due by 9/19/2024. (Carter, G.) (Entered: 09/05/2024)
09/05/2024	<u>I</u>	MOTIONS REFERRED: <u>19</u> MOTION for Leave to Appear Pro Hac Vice (<i>T. Elliot Gaiser</i>) Receipt Number AGASDC-3895467, Fee Amount \$200. (csr) (Entered: 09/05/2024)
09/05/2024	<u>I</u>	MOTIONS REFERRED: <u>16</u> MOTION for Leave to Appear Pro Hac Vice (<i>Philip Axt</i>) Receipt Number AGASDC-3895445, Fee Amount \$200, (pts) (Entered: 09/05/2024)
09/05/2024	<u>I 20</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Edmund G. LaCour</i>) Receipt Number AGASDC-3896067, Fee Amount \$200, by State of Georgia. Responses due by 9/19/2024. (Carter, G.) (Entered: 09/05/2024)
09/06/2024	<u>I 21</u>	NOTICE of Filing Deficiency re: <u>20</u> MOTION for Leave to Appear Pro Hac Vice (<i>Edmund G. LaCour</i>). After 2 days a notice of noncompliance will be submitted to a judicial officer. Compliance due by 9/8/2024. (csr) (Entered: 09/06/2024)
09/06/2024	<u>I 22</u>	NOTICE by State of Georgia re 18 Notice of Hearing on Motion by Electronic Means (<i>Notice of Agreement to Conduct Hearing in Person</i>) (Carter, G.) (Entered: 09/06/2024)
09/06/2024	<u>I 23</u>	MOTION for Leave to Appear Pro Hac Vice (<i>James Percival</i>) Receipt Number AGASDC-3896471, Fee Amount \$200, by State of Georgia. Responses due by 9/20/2024. (Carter, G.) (Entered: 09/06/2024)
09/06/2024	<u>I 24</u>	MOTION to Amend/Correct <u>20</u> MOTION for Leave to Appear Pro Hac Vice (<i>Edmund G. LaCour</i>) Receipt Number AGASDC-3896067, Fee Amount \$200, by State of Georgia. Responses due by 9/20/2024. (Carter, G.) (Entered: 09/06/2024)
09/06/2024	<u>I</u>	MOTIONS REFERRED: <u>24</u> MOTION to Amend/Correct <u>20</u> MOTION for Leave to Appear Pro Hac Vice (<i>Edmund G. LaCour</i>) Receipt Number AGASDC-3896067, Fee Amount \$200, <u>23</u> MOTION for Leave to Appear Pro Hac Vice (<i>James Percival</i>) Receipt Number AGASDC-3896471, Fee Amount \$200, <u>20</u> MOTION for Leave to Appear Pro Hac Vice (<i>Edmund G. LaCour</i>) Receipt Number AGASDC-3896067, Fee Amount \$200. (csr) (Entered: 09/06/2024)
09/09/2024	<u>I 25</u>	

		ORDER granting <u>10</u> Motion for Leave to Appear pro hac vice for Attorney Stephen J. Petrany. Signed by Magistrate Judge Christopher L. Ray on 09/09/2024. (jlh) (Entered: 09/09/2024)
09/09/2024	<u>26</u>	NOTICE of Appearance by Stephen Michael Pezzi on behalf of All Defendants (Pezzi, Stephen) (Entered: 09/09/2024)
09/09/2024	<u>27</u>	ORDER granting <u>19</u> Motion for Leave to Appear pro hac vice for Attorney Thomas Elliot Gaiser. Signed by Magistrate Judge Christopher L. Ray on 09/09/2024. (jlh) (Entered: 09/09/2024)
09/09/2024	<u>28</u>	ORDER granting <u>16</u> Motion for Leave to Appear pro hac vice for Attorney Philip Axt. Signed by Magistrate Judge Christopher L. Ray on 09/09/2024. (jlh) (Entered: 09/09/2024)
09/09/2024	<u>29</u>	ORDER granting <u>23</u> Motion for Leave to Appear pro hac vice for Attorney James H. Percival, II. Signed by Magistrate Judge Christopher L. Ray on 09/09/2024. (jlh) (Entered: 09/09/2024)
09/09/2024	<u>30</u>	ORDER granting <u>7</u> Motion for Leave to Appear Pro Hac Vice as to Reed C. Dempsey. Signed by Magistrate Judge Christopher L. Ray on 9/9/2024. (amd) (Entered: 09/09/2024)
09/09/2024	<u>31</u>	ORDER granting <u>20</u> Motion for Leave to Appear Pro hac vice; granting <u>24</u> Motion to Amend/Correct for attorney Edmund LaCour, Jr. Signed by Magistrate Judge Christopher L. Ray on 9/9/24. (wwp) (Entered: 09/09/2024)
09/09/2024	<u>32</u>	ORDER granting <u>9</u> Motion for Leave to Appear pro hac vice for Attorney Joshua M. Divine. Signed by Magistrate Judge Christopher L. Ray on 09/09/2024. Modified on 9/9/2024 (jlh). (Entered: 09/09/2024)
09/10/2024	<u>33</u>	NOTICE of Appearance by Shannon Heath Statkus on behalf of Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. (Statkus, Shannon) Modified on 9/10/2024 (csr). (Entered: 09/10/2024)
09/10/2024	<u>34</u>	MOTION for Leave to File Excess Pages by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. Responses due by 9/24/2024. (Attachments: # <u>1</u> Text of Proposed Order)(Pezzi, Stephen) (Entered: 09/10/2024)
09/10/2024	<u>35</u>	RESPONSE in Opposition re <u>5</u> MOTION to Stay re <u>1</u> Complaint,, MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Jerome, Simon) (Entered: 09/10/2024)
09/10/2024	<u>36</u>	ORDER granting <u>34</u> Motion for Leave to File Excess Pages. The response shall be no more than 32 pages. Signed by District Judge J. Randal Hall on 9/10/2024. (amd) (Entered: 09/10/2024)
09/10/2024	<u>37</u>	MOTION to Dismiss <i>for Improper Venue</i> by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. Responses due by 9/24/2024. (Pezzi, Stephen) (Entered: 09/10/2024)
09/10/2024	<u>38</u>	MOTION for Clarification of Temporary Restraining Order re <u>17</u> Order on Motion for Leave to File Excess Pages,,, Order on Motion to Stay,,, Order on Motion for Preliminary Injunction,,, Order on Motion for TRO,, by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. Responses due by 9/24/2024. (Attachments: # <u>1</u> Text of Proposed Order)(Jerome, Simon) (Entered: 09/10/2024)
09/11/2024	<u>39</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Dylan L. Jacobs</i>) Receipt Number AGASDC-3900403, Fee Amount \$200, by State of Georgia. Responses due by 9/25/2024. (Carter, G.) (Entered: 09/11/2024)
09/11/2024	<u>40</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Nicholas J. Bronni</i>) Receipt Number AGASDC-3900407, Fee Amount \$200, by State of Georgia. Responses due by 9/25/2024. (Carter,

		G.) (Entered: 09/11/2024)
09/11/2024	<u>1</u>	MOTIONS REFERRED: <u>39</u> MOTION for Leave to Appear Pro Hac Vice (<i>Dylan L. Jacobs</i>) Receipt Number AGASDC-3900403, Fee Amount \$200, <u>40</u> MOTION for Leave to Appear Pro Hac Vice (<i>Nicholas J. Bronni</i>) Receipt Number AGASDC-3900407, Fee Amount \$200 (thb) (Entered: 09/11/2024)
09/12/2024	<u>41</u>	ORDER granting re <u>39</u> Motion for Leave to Appear Pro Hac Vice for Dylan L. Jacobs. Signed by Magistrate Judge Christopher L. Ray on 9/12/24. (loh) (Entered: 09/12/2024)
09/12/2024	<u>42</u>	ORDER granting re <u>40</u> Motion for Leave to Appear Pro Hac Vice for Nicholas J. Bronni. Signed by Magistrate Judge Christopher L. Ray on 9/12/24. (loh) (Entered: 09/12/2024)
09/13/2024	<u>43</u>	RESPONSE to <u>6</u> MOTION to Seal <i>Exhibits D and F</i> filed by State of Georgia filed by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. (Jerome, Simon) (Entered: 09/13/2024)
09/13/2024	<u>44</u>	Consent MOTION for Leave to File Excess Pages by State of Alabama, State of Arkansas, State of Florida, State of Georgia, State of Missouri, State of North Dakota, State of Ohio. Responses due by 9/27/2024. (Attachments: # <u>1</u> Text of Proposed Order)(Divine, Joshua) (Entered: 09/13/2024)
09/13/2024	<u>45</u>	MEMORANDUM in Support re <u>5</u> MOTION to Stay re <u>1</u> Complaint,, MOTION for Preliminary Injunction MOTION for Temporary Restraining Order <i>and Response to Defendants' Motions to Dismiss and Clarify</i> filed by State of Alabama, State of Arkansas, State of Florida, State of Georgia, State of Missouri, State of North Dakota, State of Ohio. (Divine, Joshua) (Entered: 09/13/2024)
09/16/2024	<u>46</u>	REPLY to Response to Motion re <u>37</u> MOTION to Dismiss <i>for Improper Venue</i> filed by Joseph R. Biden, Jr, Miguel A. Cardona, United States Department of Education. (Pezzi, Stephen) (Entered: 09/16/2024)
09/17/2024	<u>47</u>	ORDER denying <u>6</u> Motion to Seal Exhibits. Signed by Magistrate Judge Christopher L. Ray on 9/17/2024. (kjm) (Entered: 09/17/2024)
09/18/2024	<u>48</u>	Minute Entry for proceedings held before District Judge J. Randal Hall: Motion Hearing held on 9/18/2024 re <u>5</u> Motion for Preliminary Injunction, <u>37</u> MOTION to Dismiss <i>for Improper Venue</i> <u>38</u> MOTION for Clarification of Temporary Restraining Order. (Court Reporter Lisa Davenport.) (lcw) (Entered: 09/19/2024)
09/19/2024	<u>49</u>	ORDER that the <u>17</u> Temporary Restraining Order shall be extended for an additional fourteen days from the date of this Order for the purpose of the Court's review of briefs and arguments held on September 18, 2024 and to issue an Order addressing the pending motions. Signed by District Judge J. Randal Hall on 09/19/2024. (jlh) (Entered: 09/19/2024)
09/20/2024	<u>50</u>	MOTION to Intervene by Erwin Rosenberg. Responses due by 10/4/2024. REFERRED to Judge Christopher L. Ray.(kjm) (Entered: 09/20/2024)
09/20/2024	<u>1</u>	Motions No Longer Referred: <u>50</u> MOTION to Intervene (lcw) (Entered: 09/20/2024)
09/21/2024	<u>51</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motions Proceedings held on 9/18/2024, before Judge JRH. Court Reporter/Transcriber Lisa Davenport, Telephone number 706-823-6468. Tape Number: FTR. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. (Transcript Redaction Policy Issued or Click here to view Transcript Redaction Policy) Redaction Request due 10/15/2024. Redacted Transcript Deadline set for 10/22/2024. Release of Transcript Restriction set for 12/20/2024. (Davenport, Lisa) (Entered: 09/21/2024)

10/02/2024

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ORDER granting in part 37 Motion to Dismiss. Georgia shall be DISMISSED as a party to this suit. Further, the Clerk is DIRECTED to TRANSFER this case to the United States District Court for the Eastern District of Missouri. Signed by District Judge J. Randal Hall on 10/2/2024. (gmh) (Entered: 10/02/2024)